IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15979 of 2007(B)

PETITIONER:

T. YESUDAS, S/O. TAPASYARAJAN,
AGED 37 YEARS, U.D. CLERK,
O/O. THE ASSISTANT COMMISSIONER,
(ASSMT.,), PALAKKAD,
RESIDING AT VYSAGHIL,
NEAR ASHRAMAM, MARIYAPURAM.P.O.,
AMARAVILA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.RADHAKRISHNAN,
SRI. MADHU RADHAKRISHNAN.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY TO GOVERNMENT,
   TAXES (D) DEPARETMENT, SECRETARIAT,
   TRIVANDRUM.

2. **COMMISSIONER, DEPARETMENT OF COMMERCIAL TAXES,**
   VIKAS BHAVAN, TRIVANDRUM.

3. **JOINT COMMISSIONER, COMMERCIAL TAX,**
   TRIVANDRUM.

4. **GIREESAN.V. KANNAMKULATH HOUSE,**
   TANUR.P.O., MALAPPURAM.

5. **GEORGE VARGHESE, KUTTICKAL HOUSE,**
   PANGADA.P.O., PAMPADY, KOTTAYAM.

W.P.(C). NO.15979/2007:

**6. SUNIL KUMAR.K., GOKULAM,
CHAKKUMKADAVU, POST KALLAI,
KOZHIKODE.**

**7. SHAJI.O.P., UD TYPIST,
AIT & ST OFFICE, DEVIKULAM, IDUKKI.**

**8. SHEEJA.V.N., KANDACHAVADIYIL HOUSE,
SOUTH OF PETTA, MUVATTUPUZHA,
ERNAKULAM.**

**9. SAILENDRAN.V.,
THENGUVILA PADIPPURA PUTHENVEEDU,
EDATHEKONAM, PAVATTUVILA.P.O.,
THIRUVANANTHAPURAM - 695 501.**

**10. SHAMSUDEEN.A.M., ARANGATH HOUSE,
KONGAD, PALAKKAD - 678 631.**

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 15979 OF 2007-B

JUDGMENT

The petitioner is a U.D. Clerk working in the Sales Tax Department. His next promotion post is Assistant Commercial Taxes Officer. Ext.P1 is the Special Rules governing promotion to the said post. As per the said Rules, Stenographers and U.D. Typists are also eligible for promotion, provided they acquire the qualifications prescribed therein, apart from working as U.D. Clerk, at least for a period of one year. Respondents 4 to 10 are either U.D. Typists or Stenographers. They have cleared all the tests prescribed for the post and held by the P.S.C. So, by Ext.P3 order, they have been posted to undergo training as U.D.Clerk. The relevant portion of the said order reads as follows:

> "The above mentioned UDT/Sr Grade Typists/CA except Sri.George Varghese are deputed and posted as UD Clerk (trainee) for one year for the above mentioned purpose. They are allotted to the Deputy Commissioners under which they are working at present for suitable posting. The Deputy Commissioners concerned are directed to retain back them to the present post on completion of one year. The Secretary, STAT, Thiruvananthapuram is requested to surrender Sri.A.M.Shamsudeen to the Deputy Commissioner, Palakkad for the purpose, inviting new panel."

Feeling aggrieved by Ext.P3 order, the petitioner has preferred Ext.P4 representation. In the said representation it is pointed out that U.D.Typists and Stenographers cannot be promoted as Assistant Commercial Taxes Officer without completing one year's service in the cadre of U.D.Clerk. But, I find that Ext.P3 is an order posting the party respondents as U.D.Clerks, so that they can gain one year's experience in that post. So, the apprehension voiced in Ext.P4 that they will be promoted without completing one year's service in the post of U.D.Clerk is untenable.

2. The learned counsel for the petitioner made a fervent plea that the 1st respondent may be directed to consider and pass orders on Ext.P4. I find no merit in the prayer made in Ext.P4. In Ext.P4, the petitioner points out that it is not proper to promote the party respondents, without their completing one year's service as U.D. Clerk. They will be promoted only after they undergo one year's training as U.D.Clerk. Therefore, a direction to consider Ext.P4 will result in waste of time and energy for both the petitioner and the 1st respondent. Accordingly, the said prayer is rejected and the Writ Petition is dismissed.

28th May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/